



Administrative Office of the Courts

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MEMORANDUM

To: Senator Cathy Breen
Representative Teresa Pierce
Joint Standing Committee on Appropriations and Financial Affairs
Senator Anne Carney
Representative Thom Harnett
Joint Standing Committee on Judiciary

From: Amy Quinlan, State Court Administrator

Date: March 4, 2022

Re: Testimony of the Maine Judicial Branch on L.D 1995, the Supplemental Budget

My name is Amy Quinlan. I was recently appointed State Court Administrator for the Judicial Branch. I would also like to introduce my colleague, Dennis Corliss, whom many of you know as the Chief of Finance and Administration for the Judicial Branch and who has served as acting State Court Administrator following the retirement of Ted Glessner at the end of 2021. We appreciate the opportunity to come before you today to discuss the Judicial Branch budget and the new initiatives. Before getting into the various individual initiatives, I want to provide a little context for our requests and the approach we have taken this year.

Like many others, the pandemic has significantly changed the way the Judicial Branch conducts business. In a very short period of time, the Judicial Branch has worked to adapt to the changing circumstances by turning to technology solutions including the use of video conferencing to conduct remote proceedings in an attempt to keep dockets moving. Many of the processes and technologies have been very beneficial to system partners and litigants across the state, allowing for easier access to justice and other resources without having to go to a courthouse.

But conducting court proceedings under pandemic conditions and virtual hearings takes more resources. Court staff are called upon to assist members of the public with technology issues, and manage paperwork electronically, on top of regular duties. Entry screening, always a critical function performed by our marshals, has become the frontline in ensuring that public health safety measures are implemented and maintained. Despite applying all available resources, technologies, and revamped processes, we have been unable to address the backlog which has grown during the course of the pandemic in many of our case types. The reality is that

even before the pandemic, the courts have struggled to keep up with the demand. The pandemic has laid bare some critical resource deficiencies.

We have been thoughtful in our supplemental budget requests focusing on resources to address the backlog as well as long-term critical staffing needs. We have attempted build on advances gained through the FY 2020 budget with a creative approach to fulfilling our need for law enforcement positions. In addition, we continue our efforts to invest in personnel and the smart use of technology to provide a prompt, responsive, and effective system of dispute resolution.

Our requests are targeted and fall into 1 of 3 buckets: Additional positions to assist with the backlog and add capacity to process our caseload and increase efficiencies in our court operations; funding to enhance our technology capabilities begun out of necessity in response to the pandemic and reorganizing our workforce to effectively manage these new tools; and one-time requests for innovative programming to target the backlog.

Page A-126, #1, General Fund

FY23 \$198,738

Continues 2 Law Clerk positions previously established by financial order. These positions are needed to help perform the in-depth review of debt-buyer actions, as required in 32 M.R.S. § 11019 and support the backlog of cases resulting from pandemic. The enactment of 32 M.R.S. § 11019 requires a jurist or law clerk to review debt-buyer actions for legal sufficiency. Even pre-pandemic the volume of debt-buyer collection actions was significant enough to draw resources away from other case types to an unsustainable level.

Page A-126, #2, General Fund

FY23 \$393,565

Establishes 5 Assistant Clerk positions. These positions work closely with judges/justices, attorneys, members of the public and state, local, county, and federal agencies and manage all matters before the court. In addition to their extensive duties, staff are now tasked with an increasing number of duties both regulatory and technological in nature. Remote proceedings have also expanded their workload.

This request is one of three requests seeking a total of 10 Assistant Clerk positions in our Supplemental Budget.

Page A-126, #3, General Fund

**FY22 \$506,670 & FY23
\$1,244,380**

This request continues 10 Intermittent Project Referee positions previously established by financial order to address the backlog of non-jury, family, and civil cases caused by the pandemic by providing a decision on referred cases and provides funding for related All Other costs, such as a Zoom hosting services designed for court activity.

Page 126, #4, General Fund

**FY22 \$506,670 & FY23
\$1,244,380**

This request establishes 10 Court Attendant positions to work as jury officers and in the control room supporting the Office of Judicial Marshals and will allow Deputy Marshals to

attend to other responsibilities including entry screening. These positions will not require law enforcement certification which should aid in recruitment. This would complete our request for additional law enforcement and better enable us to provide entry screen at all courthouses statewide.

Page A-126, #5, General Fund

**FY22 \$325,000 & FY23
\$325,000**

This request provides funding for increased lease costs at multiple locations across the state. A 30-year lease for Portland expired and costs increased by \$146,000 in year one for the courthouse with provision for much needed capital repairs and improvements, and increased by \$98,400 for the parking garage, which was half the market rate for the spaces. Other increases were in Bridgton (\$50,000), Rumford, Calais, and Ellsworth (\$30,000).

Page A-126, #6, General Fund & Other Special Revenue

**FY23 GF 236,139 GF &
(236,139) OSR**

We seek to reallocate 3 Assistant Clerk positions from the Foreclosure Diversion Program to the General Fund. These are existing and unfunded positions discussed earlier as part of the 10 new Assistant Clerks. While these positions remain vacant due to the lack of funding, they are needed to support current workloads and additional tasks created during the pandemic that will continue into the future, such as use of remote hearings for certain cases.

Page A-126, #7 General Fund

**FY22 \$445,000 & FY23
\$445,000**

Provides for one-time funding for an increase in Psychological and interpreter services. We ask that this initiative be removed. Our expenses have stabilized to a manageable level since the request was initially made.

Page A-126, #8, Other Special Revenue

FY23 \$1,300,000

On behalf of the Maine Civil Legal Services Fund Commission, we are requesting one-time additional funding for civil legal services for persons unable to afford a lawyer. This initiative increases the All Other allocation by \$1,300,000 in fiscal year 2023. This allocation is supported by the transfer of funds by the State Controller in Part JJ on page 44 of the language document. The Judicial Branch passes these funds onto the Maine Civil Legal Services Fund Commission.

Page A-127, #1, General Fund

**FY22 \$153,000 & FY23
\$145,000**

Increase in funding for technology costs initially introduced by COVID-19 for remote hearings for items such as, Zoom connections, software licenses to support the submission of large files through the Citrix ShareFile platform, and electronic signature software. The demand for technology solutions implemented during the pandemic will be on-going.

Page A-127, #2, Other Special Revenue

FY23 \$80,000

This request provides All Other funding for the Statewide Cost Allocation Plan (STA-CAP costs in the IV-D account. These costs are charged for central services outlined in 5 M.R.S. § 1877-A

Page A-127, #3. Other Special Revenue

**Transfer for GF &
(\$145,209) OSR**

Reallocates several positions from Other Special Revenue to the General Fund. All Other is transferred into Personal Services to fund these reallocations. The reallocation of these positions is necessary to ensure the continued ability to fund these critical roles, and to ensure that the funding source is consistent with the responsibilities of the position.

The 100% Other Special Revenue positions are reallocated as follows:

- 1 Manager of Court Alternative Dispute Resolution position and 1 Foreclosure Diversion Program Manager changed to General Fund 35%, Other Special Revenue 65%; and
- Data Administrative Assistant change to General Fund 55% Other Special Revenue 55%

Page A-127, #4, General Fund

**FY22 \$50,000 & FY23
\$50,000**

This request provides funding for an increase in Court Alternative Dispute Resolution Services contracts. We ask that this initiative be removed as costs have stabilized and it is no longer needed.

Page A127, #5, General Fund & Other Special Revenue

**FY22 \$7,162 & FY23
\$8,757**

Reorganizes one Administrative/Data Assistant position to a Court Management Analyst to reflect the work to be performed. Note the funding for the Administrative/Data Analyst position was changed in A-127, #3 above.

Page A-127, #6, General Fund

FY23 \$157,426

Continues 2 Assistant Clerk positions previously established by Financial Order. These positions provide staffing for new work created by remote proceedings and processes and other work caused by changes in how the court conducts business that were put in place as a result of the pandemic and will continue going forward.

Page A-127, #7, General Fund

FY23 \$50,000

This request provides funding for an increase in Deputy Marshal temporary staffing services. These are law enforcement officers and the request seeks to increase the rate of pay to \$20 per hour which mirrors the rate of pay for entry level marshal positions.

Page A-127, #8, General Fund

FY23 \$105,179

Establishes 1 Human Resource Generalist position. Human Resources has had a heavy pre-pandemic workload which was made even worse by the pandemic.

Page A-128, #1, General Fund

No Net Impact

Reorganizes 1 Court Reporter position to a Court Technology Assistant (CTA) position and transfers Personal Service Savings to All Other to fund temporary Court Reporter staffing contracts.

Page A-128, #2, General Fund & Federal Fund

FY2 \$83,599 GF & \$27,865 OSR

Establishes 1 Court management Analyst position. This position is funded 75% from the General Fund and 25% with Federal Funds from our Cost Improvement Program (CIP) grant. The position will work on information and data analysis inside and outside of the branch. These requests have grown through time and many are not easily answered with a simple query and require more extensive work to get the information requested.

Page A-128, #2, General Fund

FY22 \$48,647 & FY23 \$461,146

Establishes 1 Field Technician and 4 Courtroom Technicians needed as remote hearings started during the pandemic become permanent. These positions will provide critical technical support in the courtrooms and are pivotal in upgrading and maintaining technology throughout the state.

Language

PART JJ

On page A-126, the initiative increases the All Other allocation by \$1,300,000 in fiscal year 2023. This allocation is supported by the transfer of funds by the State Controller in Part JJ on page 44 of the language document.

This part authorizes the State Controller to transfer \$1.3 million from the unappropriated surplus of the General Fund to the Maine Civil Legal Services, Other Special Revenue Funds account. The COVID-19 pandemic has created ongoing and severe economic hardship for Mainers and has increased the demand for civil legal aid services. These economic hardships have generated increasingly complex cases that, when considered alongside COVID-conscious courthouse procedures, result in a proportionate increase in the amount of time required to address each case. These one-time funds are meant to offset some of the expenses by Maine's civil legal aid providers as they responded to pandemic-driven demand by providing in-person representation and leveraging technology to support education and outreach efforts.

Thank you for your time and attention here today. I am happy to try to answer any questions you may have now or at the work session.